



Ontario Works Branch
880 Bay St., 4th Floor, Rm 434
Toronto, Ontario, M7A 2B6
Tel (416) 326-8205
Fax (416) 326-9777

December 18, 2009

MEMORANDUM TO: Ontario Works Administrators
- CMSMs and DSSABs
- First Nations

Regional Directors
Municipal Service Managers
Municipal Program Supervisors

FROM: Erin Hannah
Director, Ontario Works

RE: **Special Diet Allowance**

I am writing with respect to concerns about the Special Diet Allowance that have been raised by Administrators and that were highlighted in the Auditor General of Ontario's report released on December 7, 2009.

Under section 44 of the *Ontario Works Act, 1997*, Administrators are responsible for determining eligibility for assistance, including the Special Diet Allowance. Consistent with this authority, the Administrator has the responsibility to review SDA applications to determine eligibility.

Where the Administrator is of the view that the regulatory criteria have not been met or the information on the application is false or incorrect, the Administrator has the authority to seek additional information or deny the application. Examples where the Administrator may decide to seek additional information or deny an application might include situations where an application indicates a questionable combination of medical conditions or where multiple benefit unit members are identified for a maximum SDA of \$250 for a combination of conditions that does not include an allowance for wasting and/or weight loss.

In the case of a denial, the Administrator must inform the applicant of their right to request an internal review and appeal of the decision. The Administrator should also offer the applicant a new SDA application form and indicate that it will be considered if it is completed and signed by a different prescribed health care provider.

If the Administrator has reason to believe that the application is fraudulent, the case should be referred to an Eligibility Review Officer for further investigation and possible referral to the police.

Updated policy directives will be provided in the near future.

If you have any questions regarding this memorandum please contact Jeff Butler at (416) 325-1382 or jeff.butler@ontario.ca.

Please share this memo with staff within 24 hours.

original signed by

Erin Hannah

- c. Norm Helfand, Director, Ontario Disability Support Program Branch
- Maxine Daley, Director, Social Assistance and Municipal Operations Branch
- Jeff Butler, Manager, Ontario Works Branch
- Kira Heineck, OMSSA
- Michael Nadeau, ONWAA
- Clinic Resource Office



Employment & Social Services
Heather MacVicar, General Manager

Metro Hall
55 John Street, 12th Floor
Toronto, Ontario M5V 3C6

Tel: 416-392-8623
Fax: 416-392-4214

January 22, 2010

John Clarke
Ontario Coalition Against Poverty
10 Britain Street
Toronto, ON M5A 1R6

Dear Mr. Clarke:

I am writing in response to your January 4, 2010 letter to the members of the Community Development and Recreation Committee (CDRC) regarding the issuance of the Special Diet benefit.

As you are aware, as stated in the Ontario Works Act, the intent of the Special Diet is to provide additional funding to social assistance recipients who have special dietary requirements as a result of a medical condition (e.g. diabetes, cystic fibrosis, kidney disease). Under the Act, municipalities are responsible and accountable for the overall integrity of the Ontario Works (OW) program, including all benefits delivered through OW, of which the Special Diet benefit is one.

To this end, municipalities are authorized under the Act to ensure appropriate eligibility and verification processes are established and enforced. As such, municipalities are mandated to carry out the following duties:

1. Receive applications for basic financial assistance from persons residing in his or her geographic area.
2. Determine the eligibility of each applicant for basic financial assistance.
3. If an applicant is found eligible for basic financial assistance, determine the amount of the assistance and direct its provision.
4. Determine eligibility for employment assistance and direct its provision.
5. Carry out the prescribed duties.

It is in this context that the Province released the Special Diet allowance directive that you referred to in your correspondence. This directive reaffirms the Administrator's authority and responsibility for determining eligibility for assistance, including eligibility for the Special Diet benefit.

The directive simply clarifies that, where the Administrator, in this case Toronto Employment and Social Services (TESS), is of the view that "either the regulatory criteria have not been met or that the information provided on the application is false or incorrect", it has the authority to seek additional information or deny the application.

Thus, consistent with our responsibilities under the OW Act and regulations, TESS continues to review and request additional information to verify eligibility for the special diet benefit. In accordance with provincial directives governing Special Diets, where issues are identified with the forms presented by individuals, they may be requested to have new forms completed by a second medical practitioner in order to establish eligibility.

Any individual deemed ineligible for a benefit, including Special Diet, will be immediately informed of their right to appeal the decision, and will be provided with the information and forms necessary to begin the appeals process.

Briefly, with respect to the issue you raise regarding the processing of Special Diet applications by a particular Doctor, our practice is to assess the eligibility of all applications for the Special Diet benefit on a case by case basis and in accordance with the Ontario Works Act and regulations irrespective of any specific medical practitioner.

At this juncture, TESS continues to assess all applications and eligibility for the Special Diet benefit on a case by case basis, providing new applicants and OW recipients with the information necessary to pursue their applications or appeal ineligibility decisions.

Yours truly,



Heather MacVicar
General Manager
Employment & Social Services